

# SENATE NO. 1226

## **AN ACT** TO ENSURE CONSUMER CHOICE OF NURSE PRACTITIONER SERVICES

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 176 of the General Laws, as amended by section 101 of chapter 58 of the  
2 acts of 2006, is hereby amended by adding the following new chapter:- 176R Consumer Choice  
3 of Nurse Practitioner Services.

4 Section 1. As used in this chapter, the following words shall have the following meanings:

5 "Carrier", an insurer licensed or otherwise authorized to transact accident or health insurance  
6 under chapter 175; a nonprofit hospital service corporation organized under chapter 176A; a  
7 nonprofit medical service corporation organized under chapter 176B; a health maintenance  
8 organization organized under chapter 176G; an organization entering into a preferred provider  
9 arrangement under chapter 176I; a contributory group general or blanket insurance for persons  
10 in the service of the Commonwealth under chapter 32A; a contributory group general or blanket  
11 insurance for persons in the service of counties, cities, towns and districts, and their dependents  
12 under chapter 32B; the medical assistance program administered by the division of medical  
13 assistance pursuant to chapter one hundred and eighteen E and in accordance with Title XIX of

14 the Federal Social Security Act or any successor statute; and any other medical assistance  
15 program operated via a governmental unit for persons categorically eligible for such program.

16 "Commissioner", the commissioner of insurance.

17 "Insured", an enrollee, covered person, insured, member, policyholder or subscriber of a carrier.

18 "Non-discriminatory basis", a carrier shall be deemed to be providing coverage on a non-  
19 discriminatory basis if said plan does not contain any annual or lifetime dollar or unit of service  
20 limitation imposed on coverage for the care provided by a nurse practitioner which is less than  
21 any annual or lifetime dollar or unit of service limitation imposed on coverage for diagnosis and  
22 treatment by other participating providers.

23 "Nurse Practitioner", a registered nurse who holds authorization in advanced nursing practice as  
24 a nurse practitioner under the provisions of chapter 112, Section 80B.

25 "Participating Provider", a provider who under a contract with the carrier or with its contractor  
26 or subcontractor, has agreed to provide health care services to insureds with an expectation of  
27 receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly  
28 from the carrier.

29 "Primary Care Provider", a nurse practitioner or other health care professional qualified to  
30 provide general medical care for common health care problems. The primary care provider  
31 supervises, coordinates, prescribes, or otherwise provides or proposes health care services,  
32 initiates referrals for specialist care, and maintains continuity of care, within their scope of  
33 practice.

34           Section 2. The commissioner and the group insurance commission shall require that all  
35 carriers, on a nondiscriminatory basis, shall include coverage to their insured for care provided  
36 by nurse practitioners as participating providers for the purposes of health maintenance,  
37 diagnosis and treatment. Such coverage shall include, but not be limited to, benefits for primary  
38 care, intermediate care and inpatient care, including care provided in a hospital, clinic,  
39 professional office, home care setting, long term care setting, mental health or substance abuse  
40 programs, or other settings when rendered by a nurse practitioner practicing within the scope of  
41 her professional license.

42           Section 3. A nurse practitioner practicing within the scope of her licensure under the  
43 provisions of chapter 112 section 80B shall be considered fully qualified as a primary care  
44 provider to an insured.

45           Section 4. Notwithstanding any special or general law to the contrary, all carriers shall  
46 provide their insured with an opportunity to select a nurse practitioner as a primary care  
47 provider or to change their primary care provider to a nurse practitioner at any time during their  
48 coverage period.

49           Section 5. Notwithstanding any special or general law to the contrary, all carriers shall  
50 ensure that all nurse practitioners in the carrier's health plans are included on any publicly  
51 accessible list of participating providers for the carrier.

52           Section 6. Complaints of noncompliance against carriers shall be filed with and  
53 investigated by the commissioner or the group insurance commission whichever shall have

54 regulatory authority over the carrier. The commissioner and the group insurance commission  
55 shall promulgate regulations to enforce sections 2, 3, 4 and 5.